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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,437	10/28/2003	Kunio Kawakami	Q78156	8918
23373	7590	08/10/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/694,437

Applicant(s)

KAWAKAMI, KUNIO

Examiner

Hai C. Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4, 6/1, 6/2, 6/4 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatasa et al. (Pub. No. U.S. 2003/0215280).

Hatasa et al. discloses an ink jet recording apparatus comprising multiple cartridges (YMCK color cartridges 100) (Fig. 9), which contain recording materials

therein, and an apparatus communication module (communication unit 206 as a wireless communication means) that establishes wireless communication with each of said multiple cartridges, each of said multiple cartridges mounting a cartridge communication module (circuitry chip 130 containing a wireless communication circuitry 136) (Fig. 5), which establishes wireless communication with said apparatus communication module and possesses intrinsic information for identification of each of said multiple cartridges in wireless communication (paragraphs [0059]-[0060]), said recording apparatus comprising a transportation module (carriage 202) (Fig. 8) that is capable of collectively transporting said multiple cartridges and sequentially makes said cartridge communication modules mounted on said multiple cartridges approach to and pass by an antenna, which is provided for the wireless communication (Fig. 9), and an access module that, when said cartridge communication module mounted on any one of said multiple cartridges enters a communicable range of said apparatus communication module via the antenna and establishes communication with said apparatus communication module, identifies the one of said multiple cartridges based on the intrinsic information possessed by the one of said multiple cartridges and transmits predetermined data to or from said identified cartridge (paragraph [0070]).

Hatasa et al. further teaches:

- wherein said transportation module comprises a carriage (202) with said multiple cartridges mounted thereon, and a conveyance sub-module (cartridge moving means, not shown) (paragraph [0068]) that conveys said carriage for recording on a recording medium with the recording materials, said conveyance sub-

module sequentially making said cartridge communication modules mounted on said multiple cartridges approach to and pass by the antenna (Fig. 9) (paragraph [0070]),

- wherein said conveyance sub-module sequentially makes said cartridge communication modules mounted on said multiple cartridges approach to and pass by the antenna in a recording range onto the recording medium (Fig. 8) (paragraphs [0069]-[0071]),
- wherein said cartridge communication module included in each of said multiple cartridges utilizes electromagnetic induction for transmission of the predetermined data and receives at least part of electric power consumed by said cartridge (the cartridge communication module or circuitry chip 130 includes an induction coil 138 and a power source 137 for generating electric power based on electromagnetic induction provided by the communication unit 206, which serves as both a power supplying means and a wireless communication means) (paragraphs [0061] and [0070]),
- wherein each of said multiple cartridges has an ink chamber containing one of multiple color inks as the recording material (YMCK ink cartridges 100),
- wherein the predetermined data transmitted to and from said access module comprise data regarding the recording materials contained in said multiple cartridges (the flash memory 135 in the circuitry chip 130 stores information regarding not only ink cartridge identification but also ink remainder amount) (paragraph [0060]).

The method step 9 is deemed to be clearly anticipated by functions of the above structures.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatasa et al. in view of Kosugi (U.S. 6,585,345).

Hatasa et al. discloses all the basic limitations of the claimed invention except for the conveyance sub-module sequentially makes said cartridge communication modules mounted on said multiple cartridges approaching to and passing by the antenna out of a recording range onto the recording medium.

Kosugi discloses a printing apparatus comprising four color ink cartridges (31-34) having respective antennas (36-39) and non-volatile memories (41-44) in which ID information is stored along with information related to the ink, the cartridges being mounted on a carriage (12) and moved to pass a wireless communication unit (transmitter-receiver portion containing an antenna 60) located outside of the recording area such that information stored in the memories (41-44) can be accessed.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art at the time the invention was made to position the

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wireless communication unit of Hatasa et al. outside the recording area as taught by Kosugi, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Allowable Subject Matter

6. Claims 5 and 6/5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of claim 5 is the inclusion therein, in combination as currently claimed, of the limitation "wherein said transportation module transports said multiple cartridges at a specific moving velocity, which is set corresponding to an interval between each adjoining pair of said multiple cartridges to ensure a time period required for identification of each of said multiple cartridges and a time period required for transmission of the predetermined data", which is not found taught by the prior art of record considered alone or in combination.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

August 4, 2005